

Amendment A

Application No. 10/708,439

Attorney Docket No.: 717119.466

REMARKS

The present application has claims 1 - 32 pending where claims 25 - 32 have been withdrawn from prosecution subject to a restriction requirement. Group 1 consisting of claims 1 - 24 is currently the subject of examination. The Examiner has indicated that claims 13 - 24 are allowable, however, are objected to as being dependent upon a rejected base claim. Claims 1 - 2 stand rejected under 35 USC 102(b) as being anticipated by Kobussen et al. (US Patent 6,245,369).

The attorney for the applicant conducted an Examiner's Interview regarding the above rejection and the arguments that were presented during the interview are as follows: Kobussen '369 does not anticipate, teach or suggest a portioning mechanism that is capable of separating the stream of ground meat into a plurality of portions as recited in independent claim 1. Further, Kobussen '369 does not anticipate, teach or suggest the limitation of at least one filling mechanism that provides an additional amount of ground meat to each portion of the plurality of portions so that each portion can substantially obtain the predetermined target weight as also recited in claim 1. The present invention as originally claimed teaches an exact weight system where a portioning mechanism separates a stream of ground meat into portions where the system further includes a weighing mechanism that weighs each portion and a filling mechanism that provides an additional amount of ground meat to each portion.

To the contrary, Kobussen '369 teaches a method for controlling the weight of extruded ground meat by utilizing a laser sensing system for sensing the diameter of the extrusion and thereby calculating the anticipated weight of the extrusion using the measured diameter and making adjustments in the extrusion to vary the diameter to achieve the target weight. Kobussen

Amendment A
Application No. 10/708,439
Attorney Docket No.: 717119.466

'369 does not anticipate, teach or suggest a system that includes a portioning mechanism that portions the meat, a weighing mechanism that weighs the portions, and a filling mechanism that adds ground meat product to each portion.

Therefore, the applicant respectfully asserts that independent claim 1 as originally filed is allowable in light of the prior art references cited based on the above argument. Therefore, claims 2 - 24 depending therefrom are also allowable. Consistent with the Examiner's Interview, the applicant requests that claims 1 - 24 as filed be allowed to proceed to issuance. If the Examiner is agreeable to allowing claims 1 - 24, the applicant hereby authorizes cancellation of claims 25 - 32, by way of Examiner's amendment, where said claims are currently withdrawn from prosecution subject to a restriction requirement.

If any issue regarding the allowability of any of the pending claims in the present application could be readily resolved, or if other action could be taken to further advance this application such as an Examiner's amendment, or if the Examiner should have any questions regarding the present amendment, it is respectfully requested that the Examiner please telephone Applicant's undersigned attorney in this regard.

Respectfully submitted,

Date:

Sep 13, 2006



Mark E. Stallion
Reg. No. 46,132
Blackwell Sanders Peper Martin LLP
720 Olive Street, Suite 2400
St. Louis, MO 63101
314-345-6000
ATTORNEYS FOR APPLICANT